

REMARKS/ARGUMENTS

In response to the Office Action mailed June 15, 2004, Applicant submits this Reply. A listing of all pending claims is submitted herewith.

In the Office Action , claims 1, 4, and 14-15 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,310,966 to Dulude et al. (the “Dulude” patent). Claims 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,193,153 to Lambert (the “Lambert” patent).

By this Amendment, claims 1, 4, and 11 have been amended. Claims 14-15 have been cancelled. No new matter is being submitted in this Reply. Reconsideration and allowance of the reissue claims in view of the remarks below is requested.

A. Claim Rejections under 35 U.S.C. § 112

Claims 1, 4, and 14-15 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. By this Amendment Claims 1 and 4 have been amended, and claims 14-15 have been cancelled, thereby obviating the rejection with respect thereto. The rejection under 35 U.S.C. § 112, second paragraph should be withdrawn.

B. Claim Rejections under 35 U.S.C. § 102

Claims 1-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Dulude.

Dulude is directed to the authentication of an individual’s biometric signature on a document that has been created at the site at which the user signs the digital document. In particular, “[t]he *first user generates* transaction first data 50 through a transaction input device

48” (Dulude, column 5, lines 52-54) (emphasis supplied). The transaction first data 50 and the transaction biometric data 46 are processed using a hash function to generate a first hash value (Dulude, column 6, lines 1-7). Authentication is performed by extracting the first hash value which was incorporated into the digital signature (Dulude, column 6, line 66 - column 7, line 3).

In contrast, in the present invention at least a portion of the data packet, *e.g.*, a digital document (on which one or more signers should sign), does not reside on the computer of the person who is signing the said digital document, *i.e.*, such document at least temporarily resides on the computer of a third party. (*See, e.g.*, specification, “If the signed document is a contract, then the contract may reside at the server’s storage device [T]he authentic document(s) stored at the server’s storage,” page 24, line 9 - page 25, line 2). The present invention addresses the problem that the document which appears on the computer screen of the signing party (in the instance from a website or a terminal server) may not be the document that the signing party is actually signing. In the present invention, a request is made to receive the document residing on another computer, and such document is sent to the computer on which the document is to be signed. (*See, e.g.*, specification, “Step 1,” page 24, lines 4-5 and Figures 5-6). The present invention guarantees to the source of the initial document (*i.e.*, the “recipient”) that the document will be received as it was sealed and signed at the time it was transmitted by the signing party (*i.e.*, the “sender”). Dulude neither discloses nor suggests such method steps.

Accordingly, claim 1 is believed allowable over Dulude. Claims 2-9 are also believed allowable by virtue of their dependency from claim 1. Withdrawal of the rejection is respectfully requested.

Claims 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,193,153 to Lambert.

Claims 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,193,153 to Lambert.

Lambert describes a physical input device that sends a message to the computer as soon as it is moved, touched, or physically contacted in any way. The device is constantly waiting to receive data that it is being moved, touched or in some fashion being awakened as in the case of a digital camera or CCTV. User input includes an “event sensor” which transmits data about the user while holding, moving, or touching the device, or activating it as is in the case of a digital camera. The goal of Lambert is to identify the user who is activating the input device. Thus the data packet, *i.e.*, the event or input state, is necessarily generated at the same location as the biometric data.

In contrast, claim 11 has been amended to recite one or more client terminal(s) for managing the signing process at the user’s location for the signing of data packets which are received from said server, the terminal(s) being coupled with means for carrying out biometric samples. Lambert neither discloses nor suggest such an arrangement.

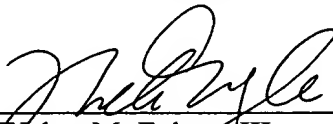
Accordingly, claim 11 is believed allowable over Lambert. Claims 12-13 are also believed allowable by virtue of their dependency from claim 11. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, Applicant believes that the application is in condition for allowance.

Respectfully submitted,

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